

1 Janet M. Herold
2 Regional Solicitor
3 Daniel J. Chasek, (CSBN 186968)
4 Associate Regional Solicitor
5 Luis A. Garcia, Trial Attorney
6 Office of the Solicitor
7 United States Department of Labor
8 350 So. Figueroa St., Suite 370
9 Los Angeles, California 90071
10 Telephone: (213) 894-4225
11 Facsimile: (213) 894-2064
12 email: chasek.daniel@dol.gov

13 Attorneys for the Plaintiff

14 UNITED STATES DISTRICT COURT
15 FOR THE
16 CENTRAL DISTRICT OF CALIFORNIA

17 **THOMAS E. PEREZ,**
18 Secretary of Labor,
19 United States Department of Labor,
20 Plaintiff,

21 v.

22 **RICHARD HUOT,** an individual doing busi-
23 ness as **CHINA WOK EXPRESS** and doing
24 business as **GOLDEN WOK FRIED**
25 **CHICKEN,**

26 Defendant.

Case No.

CV 13-7487 PSM (RZx)

COMPLAINT

27 1. The Plaintiff, Thomas E. Perez, Secretary of Labor, brings this action to en-
28 join Defendant, Richard Huot, an individual doing business as China Wok Express and
doing business as Golden Wok Fried Chicken ("Defendant"), from violating provisions
of Sections 15(a)(2) and 15(a)(5) of the Fair Labor Standards Act of 1938, as amended
("FLSA"), 29 U.S.C. §§ 215(a)(2) and 215(a)(5), and to recover amounts owed under the

COMPLAINT

Page 1 of 6

1 FLSA to employees of Defendant, as listed by name in the attached Exhibit A to this
2 complaint, for the period from at least June 19, 2010 to the present.

3 2. This Court has subject matter jurisdiction of this action under Section 17 of
4 the FLSA, 29 U.S.C. §217; this Court also has subject matter jurisdiction of this action
5 under 28 U.S.C. §1331 (federal question) and §1345 (United States as Plaintiff).

6 3. (a) Defendant Richard Huot, an individual doing business as China Wok
7 Express, is and at all relevant times has an office and place of business at 8330 Painter
8 Avenue, Whittier, CA 90602, within the jurisdiction of this Court, and has been engaged
9 in the business of operating a restaurant.

10 (b) Defendant Richard Huot, an individual doing business as Golden Wok
11 Fried Chicken, is and at all relevant times has an office and place of business at 3403
12 West Slauson Ave., Los Angeles, CA 90043, within the jurisdiction of this Court, and has
13 been engaged in the business of operating a restaurant.

14 (c) On information and belief, Defendant Richard Huot resides within the ju-
15 risdiction of this Court.

16 (d) Defendant Richard Huot is doing business as China Wok Express and at
17 all relevant times has been an employer under FLSA § 3(d), 29 U.S.C. § 203(d) in that he
18 sets wages, hours and working conditions for all employees who work at China Wok Ex-
19 press.

20 (e) Defendant Richard Huot is doing business as Golden Wok Fried Chicken
21 and at all relevant times has been an employer under FLSA § 3(d), 29 U.S.C. § 203(d) in
22 that he sets wages, hours and working conditions for all employees who work at Golden
23 Wok Express.

24 4. The activities of the Defendant constitutes, and at all times material hereto
25 has constituted, related activities performed through unified operation or common control
26 for a common business purpose; and are, and at all times material hereto has been, an
27 "enterprise" as defined in FLSA § 3(r), 29 U.S.C. § 203(r). Defendant Richard Huot ex-
28 ercises control over both restaurants, the restaurants share employees, and the employees

1 perform the same work at both restaurants.

2 5. The aforesaid enterprise has, and at all times material hereto has had, em-
3 ployees engaged in commerce or in the production of goods for commerce, or in han-
4 dling, selling or otherwise working on goods or materials which have been moved in or
5 produced for commerce. Said enterprise has, and at all times material hereto has had, an
6 annual gross volume of sales made or business done (exclusive of any excise taxes at the
7 retail level, if any, that were separately stated) of no less than \$500,000.00; and said en-
8 terprise constitutes, and at all times material hereto has constituted, an "enterprise en-
9 gaged in commerce or in the production of goods for commerce" as defined in FLSA
10 § 3(s), 29 U.S.C. § 203(s).

11 6. The Defendant has violated and are violating the provisions of FLSA
12 §§ 6 and 15(a)(2), 29 U.S.C. §§ 206 and 215(a)(2), by employing employees, at China
13 Wok Express and Golden Wok Fried Chicken, engaged in commerce or in the production
14 of goods for commerce, or employed in an enterprise engaged in commerce or in the pro-
15 duction of goods for commerce, within the meaning of the FLSA, at wage rates less than
16 the applicable federal minimum wage of \$7.25 per hour.

17 7. Defendant has violated and is violating the provisions of Sections 7 and
18 15(a)(2) of the FLSA, 29 U.S.C. §207 and §215(a)(2), by employing employees, at China
19 Wok Express and Golden Wok Fried Chicken, engaged in commerce or in the production
20 of goods for commerce, within the meaning of the FLSA, or employed in an enterprise
21 engaged in commerce or in the production of goods for commerce, within the meaning of
22 FLSA § 3(s), 29 U.S.C. § 203(s), for workweeks longer than 40 hours without compen-
23 sating said employees for their employment in excess of 40 hours in such workweeks at
24 rates not less than one and one-half times the regular rates at which they were employed.

25 8. Defendant has violated and are violating the provisions of Sections 11(c) and
26 15(a)(5) of the FLSA, 29 U.S.C. §211(c) and §215(a)(5), by failing to maintain, keep,
27 and preserve records of employees and of the wages, hours, and other conditions and
28 practices of employment maintained, as prescribed by the regulations promulgated by the

1 Plaintiff-Secretary pursuant to the authority granted in the FLSA and published in the
2 Federal Register and known as Title 29, Code of Federal Regulations, Part 516 including:

3 (a) Defendant failed to keep and maintain, *inter alia*, accurate records of the
4 times of day worked by employees, the hours worked each day, the hours worked each
5 week, and the hours over forty worked in a workweek, thereby depriving, interfering with
6 and impeding the ability of the employees, and derivatively, the Plaintiff, to detect, iden-
7 tify, and have notice of the underpayment of wages under the FLSA.

8 9. (a) During the period since at least June 19, 2010, Defendant has repeatedly
9 and willfully violated and is violating the above-described provisions of the FLSA. De-
10 fendant was aware of the FLSA's wage requirements and consistently and deliberately
11 failed to compensate employees at the required wage rates.

12 (b) As a result of the violations of the monetary provisions of the FLSA,
13 there are unpaid minimum wage and overtime compensation due under the FLSA that are
14 being withheld by the Defendant.

15 (c) A judgment permanently enjoining and restraining such violations of the
16 FLSA is specifically authorized by Section 17 of FLSA, 29 U.S.C. §217.

17 (d) A judgment enjoining and restraining the continued withholding of un-
18 paid minimum wage and overtime compensation due under the FLSA is specifically au-
19 thorized by Section 17 of the FLSA, 29 U.S.C. §217.

20 (e) Judgment awarding unpaid minimum wage and overtime compensation
21 due under the FLSA, plus an additional amount, as liquidated damages, that is equal to
22 the amount of minimum wage and overtime compensation that accrued under the FLSA,
23 is specifically authorized by FLSA § 16(c), 29 U.S.C. § 216(c).

24 WHEREFORE, cause having been shown, the Secretary prays for a judgment
25 against Defendant as follows:

26 A. For an order pursuant to Section 17 of the FLSA, 29 U.S.C. §217,
27 permanently enjoining and restraining Defendant, his officers, agents, servants, and em-
28 ployees, and those persons in active concert or participation with them, from prospective-

1 ly violating the provisions of Sections 15(a)(2) and 15(a)(5) of the FLSA, 29 U.S.C. §§
2 215(a)(2) and 215(a)(5); and

3 B. For an order

4 (i) pursuant to FLSA § 16(c), 29 U.S.C. § 216(c) finding the Defendant lia-
5 ble for any unpaid minimum wages and overtime compensation that may be found
6 by the Court to be due under the FLSA plus an additional amount as and for liqui-
7 dated damages, equal to any minimum wage and overtime compensation found to
8 have accrued under the FLSA, to present and former employees of Defendant in-
9 cluding the persons listed by name on the attached Exhibit A; or

10 (ii) in any instances where liquidated damages are not awarded herein, re-
11 straining, pursuant to FLSA § 17, 29 U.S.C. § 217, the Defendant, his officers,
12 agents, servants and employees and all persons in active concert or participation
13 with them, from continuing to withhold the payment of any unpaid minimum wage
14 and overtime compensation that may be found by this Court to have accrued under
15 the FLSA to present and former employees of Defendant including the persons
16 listed by name on the attached Exhibit A, plus pre-judgment interest thereon; and,

17 C. Awarding the Secretary the costs of this action and providing such fur-
18 ther relief as may be deemed appropriate.

19
20 Dated: October 1, 2013

M. PATRICIA SMITH
Solicitor of Labor

22 JANET M. HEROLD
23 Regional Solicitor

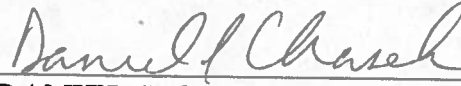
24 
25 DANIEL J. CHASEK
26 Associate Regional Solicitor
27 LUIS A. GARCIA
28 Trial Attorney
Attorneys for the Plaintiff

Exhibit - A

Names

Garcia, Lazaro

Hernandez, Ramon

Huerta, Jesus

Pech, Katie

San, It

Abrego, A. Elmer

Heng, Lisa

Hernandez, Carlos Aguilar

Yem, Barbara

Yem, Christina

Yem, Phei

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I. (a) PLAINTIFFS (Check box if you are representing yourself ☐)

THOMAS E. PEREZ, Secretary of Labor,
United States Department of Labor,

DEFENDANTS (Check box if you are representing yourself ☐)

RICHARD HUOT, an individual doing business as CHINA WOK EXPRESS and doing
business as GOLDEN WOK FRIED CHICKEN,

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.)

DANIEL J. CHASEK, Associate Regional Solicitor
LUIS A. GARCIA, Trial Attorney
Office of the Solicitor/U. S. Department of Labor
350 S. Figueroa St., Ste. 370; Los Angeles, CA 90071/Phone: 213-894-2681

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.)**II. BASIS OF JURISDICTION** (Place an X in one box only.)

- ☒ 1. U.S. Government Plaintiff
☐ 2. U.S. Government Defendant
☐ 3. Federal Question (U.S. Government Not a Party)
☐ 4. Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant)

- | | | | | | |
|---|--------------------------------|--------------------------------|---|--------------------------------|--------------------------------|
| Citizen of This State | PTF <input type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | PTF <input type="checkbox"/> 4 | DEF <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☒ 1. Original Proceeding
☐ 2. Removed from State Court
☐ 3. Remanded from Appellate Court
☐ 4. Reinstated or Reopened
☐ 5. Transferred from Another District (Specify)
☐ 6. Multi-District Litigation

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☐ Yes ☒ No (Check "Yes" only if demanded in complaint.)**CLASS ACTION under F.R.Cv.P. 23:** ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT:** \$ _____**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
To enjoin and restrain defendant(s) from violating provisions of Sections 15(a)(2) and 15(a)(5) of the Fair Labor Standards Act, as amended (29 U.S.C. 201 et seq.), and recover amounts due.**VII. NATURE OF SUIT** (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	Habeas Corpus:	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	TORTS	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	PERSONAL PROPERTY	PERSONAL PROPERTY	<input type="checkbox"/> 530 General	SOCIAL SECURITY
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	Other:	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	FORFEITURE/PENALTY	FEDERAL TAX SUITS
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	REAL PROPERTY	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 440 Other Civil Rights	LABOR	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 441 Voting	<input checked="" type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 740 Railway Labor Act	
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 751 Family and Medical Leave Act	
			<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 790 Other Labor Litigation	
			<input type="checkbox"/> 448 Education	<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	

FOR OFFICE USE ONLY:

Case Number:

CV13-7487

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

Question A: Was this case removed from state court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	STATE CASE WAS PENDING IN THE COUNTY OF:		INITIAL DIVISION IN CACD IS:
	<input type="checkbox"/> Los Angeles		Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo		Western
	<input type="checkbox"/> Orange		Southern
	<input type="checkbox"/> Riverside or San Bernardino		Eastern

Question B: Is the United States, or one of its agencies or employees, a party to this action? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	If the United States, or one of its agencies or employees, is a party, is it:		INITIAL DIVISION IN CACD IS:
	A PLAINTIFF?	A DEFENDANT?	
	Then check the box below for the county in which the majority of DEFENDANTS reside.	Then check the box below for the county in which the majority of PLAINTIFFS reside.	
	<input checked="" type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles	Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino	Eastern
<input type="checkbox"/> Other	<input type="checkbox"/> Other	Western	

Question C: Location of plaintiffs, defendants, and claims?	A. Los Angeles County	B. Ventura, Santa Barbara, or San Luis Obispo Counties	C. Orange County	D. Riverside or San Bernardino Counties	E. Outside the Central District of California	F. Other
Indicate the location in which a majority of plaintiffs reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

C.1. Is either of the following true? If so, check the one that applies: <input type="checkbox"/> 2 or more answers in Column C <input type="checkbox"/> only 1 answer in Column C and no answers in Column D Your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question D, below. If none applies, answer question C2 to the right. →	C.2. Is either of the following true? If so, check the one that applies: <input type="checkbox"/> 2 or more answers in Column D <input type="checkbox"/> only 1 answer in Column D and no answers in Column C Your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question D, below. If none applies, go to the box below. ↓
Your case will initially be assigned to the WESTERN DIVISION. Enter "Western" in response to Question D below.	

Question D: Initial Division?	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, or C above: →	LA

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

CIVIL COVER SHEET

IX(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ NO ☐ YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ NO ☐ YES

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

X. SIGNATURE OF ATTORNEY

(OR SELF-REPRESENTED LITIGANT): _____

DATE: October 7, 2013

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Ronald S.W. Lew and the assigned Magistrate Judge is Ralph Zarefsky.

The case number on all documents filed with the Court should read as follows:

2:13CV7487 RSWL RZx

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

October 9, 2013

Date

By J.Prado

Deputy Clerk

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:



Western Division
312 N. Spring Street, G-8
Los Angeles, CA 90012



Southern Division
411 West Fourth St., Ste 1053
Santa Ana, CA 92701



Eastern Division
3470 Twelfth Street, Room 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of California

THOMAS E. PEREZ, Secretary of Labor,
United States Department of Labor,

Plaintiff(s)

v.

RICHARD HUOT, an individual doing business as
CHINA WOK EXPRESS and doing business as
GOLDEN WOK FRIED CHICKEN,

Defendant(s)

)
)
)
) **CV 13-7487 RSWL (R2x)**
)
)
)
)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

DANIEL J. CHASEK, Associate Regional Solicitor
LUIS A. GARCIA, Trial Attorney
Office of the Solicitor
United States Department of Labor
350 S. Figueroa St., Ste. 370
Los Angeles, CA 90071-1202

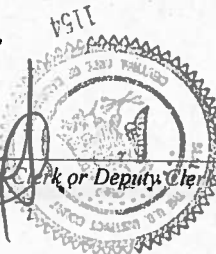
If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date:

OCT - 9 2013

CLERK OF COURT

Signature of Clerk or Deputy Clerk



AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:



AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: